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Attorneys for Defendant Alan Jones

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LIGHT FIELD LAB,

Plaintiff,

vs.

ALAN JONES,

Defendant.

No. 4:23-CV-05344-YGR

**DEFENDANT ALAN JONES'S  
DECLARATION IN SUPPORT OF REPLY  
TO PLAINTIFF'S OPPOSITION TO  
MOTION TO DISMISS**

[Fed. R. Civ. Pro. 12(b)(1) and/or 12(b)(6)]

Date: January 30, 2024

Time: 2:00 p.m.

Place: Courtroom 1 – 4th Floor

Honorable Yvonne Gonzalez Rogers

**DEMAND FOR JURY TRIAL**

I, Alan Jones, hereby declare:

1. I am the named defendant in this action. If called as a witness I could and would testify to the matters set forth herein as true and correct under penalty of perjury based on my own personal knowledge. I make this declaration in support of Defendant's Reply to Plaintiff's Opposition to Motion to Dismiss.

2. Before the plaintiff filed this lawsuit on October 19, 2023, I was represented by counsel, Alex Buerger, Esq., of Washington state. I had authorized Mr. Buerger to represent me in litigation I contemplated bringing against my former employer, plaintiff LIGHT FIELD LAB and to send a demand

1 letter which resulted in the July 12, 2023 Letter from Alex Buerger, Esq., to COO John Dohm a true and  
2 correct copy of which is attached to Defendant's Request for Judicial Notice ("RJN") (Dkt. #33) as  
3 Exhibit "B" filed in support of Defendant's Special Motion to Strike Plaintiff's Complaint Under  
4 California's SLAPP Statute (Dkt. #31) and a Second Motion to Dismiss for Lack of Subject Matter  
5 Jurisdiction (Dkt. #32) on January 4, 2024. Dkt. #33.2.

6 3. Plaintiff LIGHT FIELD LAB responded to Mr. Buerger's July 12, 2023 Letter through  
7 its counsel from July 12, 2023 through October 12, 2023, true and correct copies of which are attached  
8 to Defendant's RJN (Dkt. #33) as Exhibit "C." Dkt. #33.3.

9 4. The last correspondence sent by my former lawyer, Mr. Buerger, to plaintiff LIGHT  
10 FIELD LAB's counsel in connection with settlement negotiations was dated October 12, 2023, in which  
11 Mr. Buerger informed her that a response was required by October 18, 2023, otherwise I would proceed  
12 forward with administrative filings with the EEOC and California's Civil Rights Department. (Dkt.  
13 #33.3 – Exhibit "C" to RJN [Bates No. 056.]) The day after the deadline of 10/18/23 passed, plaintiff  
14 filed its Complaint in this action. Dkt. #1 (10/19/23). My former counsel, Mr. Buerger, terminated his  
15 services as a result of the unexpected filing of a lawsuit by plaintiff LIGHT FIELD LAB in federal court.  
16 I was thus forced to represent myself in *pro se* until I could retain substitute counsel.

17 5. At no time prior to plaintiff's Complaint filed on October 19, 2023, did I have any direct  
18 communications with plaintiff or its counsel related to any claims I intended to bring and relied entirely  
19 on Mr. Buerger to communicate them on my behalf. At no time did I authorize Mr. Buerger to make or  
20 articulate a claim for stock options under a contractual theory and to my knowledge he never did as  
21 reflected both in his letter (Exhibit "B" to RJN – Dkt. #33.2) and the email correspondence (Exhibit "C"  
22 to RJN – Dkt. #33.3.) My communications with plaintiff's counsel after the Complaint was filed did  
23 not involve the merits of the case but only matters concerning my responsibilities as a reluctant litigant  
24 as a named defendant in this action.

25 6. During pendency of this case, I diligently searched to find counsel to represent me, but  
26 I could not find a lawyer in California who could assist me by taking over as counsel in this matter until  
27 December 26, 2023, when I contacted Frank S. Moore, who agreed to review the case but could not  
28 commit to representing me until after the holidays.

1 I declare under penalty of perjury under the laws of the United States that the foregoing is true  
2 and correct dated this 8<sup>th</sup> of January, 2024, in Duvall, Washington.

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4 /s/ Alan Jones  
5 Defendant  
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**CERTIFICATE OF SERVICE**

This is to certify that on the 8<sup>th</sup> day of January 2024, I electronically filed the foregoing DEFENDANT ALAN JONES'S DECLARATION IN SUPPORT OF REPLY TO PLAINTIFF'S OPPOSITION TO MOTION TO DISMISS using the Court's CM/ECF filing system which sends notification of such filing to all parties and/or counsel of record.

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Counsel for plaintiff LIGHT FIELD LAB

Dated: January 8, 2024

Law Offices of Frank S. Moore

/s/Frank S. Moore  
Frank S. Moore  
Attorney for defendant Alan Jones